

CALIFORNIA APPRENTICESHIP COUNCIL

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CALIFORNIA APPRENTICESHIP COUNCIL THIRD QUARTERLY MEETING MINUTES

Hyatt Regency San Francisco Airport
July 28 – 29, 2011

Thursday– July 28, 2011

I. CONVENE REGULAR QUARTERLY MEETING TO ORDER IN ORDER TO RECESS TO CAC EXECUTIVE SESSION

CAC Chairperson Julia Dozier called the meeting to order at 11:12 a.m.

A. Roll Call

The following Commissioners were present: Julia Dozier, Scott Gordon, Dina Kimble, Carl Goff, John Foster, Kate Leyden, Pat McGinn, Jose Millan, Neil Struthers, Wayne Lindholm, Aram Hodess, Richard Harris Les DenHerder, Anne Quick, Jack Buckhorn, Acting Chief Glen Forman, and Chief Deputy Director Christine Baker.

A quorum was met.

Members absent: Donna Bechthold

B. The meeting was immediately adjourned to CAC Executive Session.

Thursday– July 28, 2011 (Convene Executive Session)

II. EXECUTIVE SESSION – Executive Boardroom

The Council recessed to a closed executive session pursuant to Government Code §11123(q) to discuss litigation to which the Council is or may become a party.

- A. Plumbing-Heating-Cooling Contractors of the Greater Sacramento Area Plumbers Unilateral Apprenticeship Committee vs. California Apprenticeship Council and the Kern, Inyo & Mono Counties Plumbing, Pipefitter & Refrigeration/Air Conditioning Mechanic Joint Apprenticeship and Training Committee. Superior Court Case No. 34-2009-80000393
- B. Southern California Cement Masons Joint Apprenticeship Committee, and San Diego County Cement Masons, Joint Apprenticeship Committee vs. California Apprenticeship Council, San Francisco Superior Court, Case No. CPF-10-510485, filed June 2, 2010

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III. RECONVENE QUARTERLY CAC MEETING – 1:33 p.m.

A. Pledge of Allegiance was led by Commissioner DenHerder

B. Approval of Minutes for April 28 - 29, 2011

A motion and a second were made to approve the April 28 - 29, 2011 minutes as written. All were in favor. The motion carried.

C. Communications

1. Letter from Lucy Wang, Attorney Generals' office recommending the CAC to hold a closed executive session at the July 28, 2011 meeting.
2. Letter from Acting Chief Glen Forman DAS regarding applications for the Training Fund Grants.
3. Letter from Chancellor Jack Scott, California Community Colleges Chancellor's Office regarding the appointment of Van Ton-Quinlivan to the California Apprenticeship Council.

D. New Appointee Introductions

Chairperson Julia Dozier introduced the newly appointed Chief Deputy Director of DIR, Ms. Christine Baker and Commissioner Van Ton-Quinlivan. Ms. Ton-Quinlivan is an Ex Officio member of the CAC and is from the California Community Colleges Chancellor's Office.

Ms. Baker spoke with attendees on the efforts she will bring to DIR through her collaborative format. She will be working in areas such as enforcement and apprenticeship training involvement. With her open door policy she asked the community to bring her any issues they feel are problematic within DIR. She is currently working with DAS and information technology teams to make internal changes for more transparency and availability to the public.

IV. BUSINESS SESSION

A. Legal Matters – Lucy Wang

1. Ms. Wang, Attorney General's Office reported in the matter of Plumbing-Heating-Cooling Contractors of the Greater Sacramento Area Plumbers Unilateral Apprenticeship Committee vs. California Apprenticeship Council and the Kern, Inyo & Mono Counties Plumbing, Pipefitter & Refrigeration/Air Conditioning Mechanic J.A.T.C. Superior Court Case No. 34-2009-80000393, filed September

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25, 2009, that the action that was in the Superior Court has been dismissed. The J.A.T.C. has initiated further proceedings in San Francisco Superior Court, but no hearing is currently scheduled.

2. In the matter of the Southern California Cement Masons Joint Apprenticeship Committee, and San Diego County Cement Masons, Joint Apprenticeship Committee vs. California Apprenticeship Council. The Southern California Cement Masons Joint Apprenticeship Committee, and San Diego County Cement Masons Joint Apprenticeship Committee, filed a writ in San Francisco Superior Court challenging the Council's decision by the Laborers in southern California. A hearing was held in March 2011 and the Court rendered a decision in June 2011 to deny the writ petition. An appeal has now been filed by Southern California Cement Masons Joint Apprenticeship Committee, and San Diego County Cement Masons, Joint Apprenticeship Committee.

B. CAC Appeal Panel Decisions

1. Jon Dodeward vs. Monterey & Plumbers & Pipefitters J.A.T.C. – CAC 2011-C2.
Representatives for both parties presented their stand on the decision of the three member panel to grant Mr. Dodeward his appeal. There were many discussions from the attendees as well as the Commissioners and comments from DAS legal counsel on clarification of the appeal process.
A motion to adopt the Appeal Panel's recommendation to grant Mr. Dodeward's appeal was made. A vote by the Council was made. The Council voted 10 Aye and 4 Nay. The appeal was granted.

C. Apprentice Complaint Findings / Decisions by the Administrator of Apprenticeship

1. Michael Amos vs. United Association Local Union 342 J.A.T.C. - Case No. 2010-11. The termination was upheld by the Administrator of Apprenticeship Christine Baker.
2. Keith David Running vs. Southern California Tradeshow & Sign Crafts J.A.T.C. – Case No. 2011-5. The termination was upheld by the Administrator of Apprenticeship Christine Baker.
3. Andrew M. Kraft vs. Bay Area Sheet Metal J.A.C. – Case No. 2010-48. The termination was upheld by the Administrator of Apprenticeship Christine Baker.

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D. Automatic Orders of the Council

Acting Chief Glen Forman gave the following report:

1. Construction Teamsters Apprenticeship Fund of Southern California Joint Apprenticeship Committee. DIR now classifies “teamster” as an apprenticeable occupation in the State of California.

E. Notice of Appeals to the Council During the Quarter

Acting Chief Glen Forman reported there were no appeals received during the quarter.

F. DAS Audit Reports – Rachel Freeman, DAS Unit Manager & Senior Consultant for the Fresno District Office gave the following report:

The DAS Audit Unit found their new streamline process to be a success. Ms. Freeman was happy to report that the unit currently has ten audit reports to present to the CAC which is more than the audit unit has had since it began operating in 2007.

The Audit Unit continues working on a workshop they are planning to present at the California Conference on Apprenticeship (CCA) in April 2012.

Additionally, the unit has four reports in the final stages of completion, which will be completed by August 15, 2011. Four audits are in the planning stages; four of which are Simplified audits. There are eight open audits, fourteen completed follow-ups and six regular audits that are closed. In summary, the unit has completed 100 regular and 104 simplified audits from 2007 to present. A detailed report on audit activities is included as an attachment.

G. Old Business

1. Rulemaking

- C.C.R. Title 8, Section 203.1
- C.C.R. Title 8, Section 201, 202, 203, 207, 207.1

Acting Chief Glen Forman reported that Rulemaking was placed on the agenda in the event that the Office of Administrative Law (OAL) had information that the council needed to take action on. There is no action at this time.

H. New Business

Public Relations & Publicity Committee - Newsletter

1. Area Administrator Renee Bacchini gave a brief update on the newsletter and presented it to the council. She focused part of her report on asking the apprentice community to send in stories for future feature articles. Ms. Bacchini asked the attendees to contact her if they are interested in being part of the committee’s “working group” which

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puts the newsletter together. Please contact Ms. Bacchini via e-mail at RBacchini@dir.ca.gov .

V. FORUM – Building The Case for Apprenticeship Through Research

Ms. Bacchini introduced Mr. Frank Neuhauser, Project Director, Research Specialist at UC Berkeley

Mr. Neuhauser gave an extensive report on Evaluating the Impact on Apprenticeships on Workers Safety & Income. His report included topics from apprenticeship training and worker safety to the future studying of the long-term financial impact of apprenticeship training. The report also included graphs such as injury to risk ratios, and workers' long-term earnings – loss—PPD claim. A detailed presentation is included as an attachment.

VI. Comments

Acting Chief Glen Forman reported that DAS is in the process of gathering information for the semi annual publication of apprenticeship wage rates for Public Works. Mr. Forman asked for comments on ideas of how to improve the publication with regards to the apprenticeship or journeyman wages.

Some public comments were made regarding the predetermined increases.

VII. California Community Colleges – Dr. Barry Noonan

Dr. Noonan welcomed Commissioner Ton-Quinlivan with warm accolades.

- He began his report on a brochure; “Employee Professional Development Multi-Year Program” as a new way of viewing apprenticeship. The brochure was developed for employers to illustrate an increase in profits, productive employees, and professional quality work by utilizing apprenticeship programs.
- Dr. Noonan continued his report by asking the attendees to contact him for detailed information regarding how much RSI monies their district will be receiving for apprenticeship programs. He gave a brief recap of the categorical apportionment (flex funding).
- He stated that 2011-12 budget year’s RSI monies have not been reduced.
- Applications for new apprenticeship programs are now available online. Anyone interested in forming a new program was directed to contact Dr. Noonan and he will assist with the academic portion.
- Dr. Noonan related information that he had gathered from a teleconference presented by the National Science Foundation on the topic of creating an Associate of Applied Science degree for career technical and apprenticeship students. The report generated comments from the public

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Comments from the Public

- Comments and discussions on the brochure which raised the idea of focusing on the profile and perception of apprenticeship.
- A recap of AB848 was presented, which states that apprentices must be tracked by program sponsors to establish if they ever receive a post-secondary degree.
- Discussions about what it would take to get college credits for apprenticeship students and the idea of creating a study to recognize the value of awarding apprentices college credit for their classroom work. It was also suggested that awarding college credit for RSI and work experience would later benefit former apprentices who are looking to transition to an administrative position in the construction industry.

Other Comments

- Councilmember Goff suggested that future CAC meetings be reduced from three days to two days in length. Chairperson Dozier will discuss any issues with changing the meetings' length with the DAS and move forward to make the changes by the October meeting if possible.
- Darell Lawrence announced that the California Coordinators Association will meet directly after the CAC meeting.

VIII. Adjournment

A motion to adjourn was made by Commissioner Quick and seconded by Commissioner Hodess. All were in favor. The meeting adjourned at 4:19 P.M.

FRIDAY – July 29, 2011 (reconvened)

I. RECONVENE QUARTERLY CAC MEETING TO ORDER – 9:00 A.M.

A. Roll Call

The following Commissioners were present: John Foster, Dina Kimble, Julia Dozier, Jack Buckhorn, Kate Leyden, Aram Hodess, Pat McGinn, Richard Harris, Van Ton-Quinlivan, Anne Quick, Scott Gordon, and Acting Chief Glen Forman standing in for Chief Deputy Director Christine Baker.

A quorum was met.

The following Commissioners were absent: Carl Goff, Donna Bechthold, Neil Struthers, Les DenHerder, and Wayne Lindholm.

B. Announcements

Acting Chief Glen Forman reported there were no announcements at this time.

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C. Communications

Acting Chief Glen Forman reported there were no communications at this time.

II. CAC STANDING COMMITTEE REPORTS

A. CAC/CCA Liaison Committee – Report from July 27, 2011 – CCA Liaison Co-Chair Jose Padilla – the report will be posted to the website.

B. Legislation Committee – Report from July 27, 2011 – Chairperson Dina Kimble – the report will be posted on the website.

C. Public Relations & Publicity Committee – Report from July 27, 2011 – Chairperson Scott Gordon – the report will be posted on the website.

D. Standards, Rules, Regulations & Operating Procedures – Report from July 28, 2011 – Chairperson Aram Hodess – the report will be posted on the website. Fred Lonsdale DAS OD Legal commented on Chairman Hodess's report that the 2-year period is when the CAC first started considering the rule change. The actual approval of the rule of submission was fairly recent. The OAL has thirty working days to come to a decision, which should be fairly soon.

III. EDUCATION AGENCIES REPORT

A. California Department of Education – John Dunn
No report was given.

IV. REPORTS OF ADMINISTRATIVE and COOPERATING AGENCIES

A. Division of Apprenticeship Standards – Chief's Report – Acting Chief Glen Forman – the report will be an attachment to the CAC minutes.

B. Office of Apprenticeship (OA) – No report was given.

C. California Apprenticeship Coordinators Association (CACA) - Darell Lawrence – the report will be an attachment to the CAC minutes

D. California Association for the Advancement of Apprenticeship Training (CAAAT) Douglas Sawyer – the report will be an attachment to the CAC minutes.

V. Comments from the Public

Comments were made about the small number of Asian American in the apprenticeship community, especially when compared to the state's demographics for Asian Americans. Some speakers noted that although outreach events have taken place, the response has been very minimal. Others stated that they have utilized staff members that speak Tagalog and Vietnamese and that perhaps this could be a way of bridging a gap to communicate more effectively.

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Commissioner Quick asked for a clarification that the Teamsters are now an apprenticeable occupation. Acting Chief Glen Forman stated that Southern California is the only geographical area that has applied.

Fred Lonsdale DAS OD Legal noted that the language in 1777.5 notes that whenever one employs a journeyman in an apprenticeable occupation, that a person must make a contribution to the California Apprenticeship Council. This allows contractors to build into their bid the contribution that they are required to make to the Apprenticeship Council. Mr. Lonsdale further stated that an employer can get credit for making payment to a program that can dispatch apprentices to a public works site. Mr. Lonsdale also stated that the existence of the program is more of a consideration determining whether the contractor can make a contribution to the program rather than to the CAC.

Darell Lawrence asked that the public be invited to the next Public Relations and Publicity committee meeting wherein it is decided who will receive the next Hall of Fame award. Commissioner Gordon, chairperson of the committee, will take Mr. Lawrence's comment into consideration.

VI. Adjournment

There was a motion and a second to adjourn the meeting. All were in favor. The motion carried. The meeting adjourned at 9:51 A.M.